

NOTE: Changes Made to this Document

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ARMANDO BARAJAS,
Plaintiff,

v.

THE COUNTY OF SAN
BERNARDINO, SAN
BERNARDINO SHERIFF'S
DEPARTMENT, SAN
BERNARDINO COUNTY
SHERIFF DEPUTY MCKENZIE,
JOHN DOE 1, 2, 3, 4, 5, 6, 7, 8, 9,
AND 10

Defendants.

Case No. CV09 08981 JAK (VBK)

**~~[PROPOSED]~~ PROTECTIVE
ORDER**

Judge: Hon. John A. Kronstadt
Court Room: 840
Trial Date: TBD

Pursuant to the Stipulation entered into by Plaintiff Armando Barajas ("Plaintiff") and Defendants The County of San Bernardino, San Bernardino Sheriff's Department, San Bernardino County Sheriff Deputy McKenzie ("Defendants"), through their respective counsel, and pursuant to Local Rule 7-1 of the United States District Court for the Central District of California,

IT IS SO ORDERED that the following Protective Order shall govern the discovery and elicitation of information in this action:

[PROPOSED] PROTECTIVE ORDER

1 1. Defendants shall not seek to elicit directly from Plaintiff, any
2 information that could reasonably be interpreted as implicating his Fifth
3 Amendment right against self-incrimination.

4 2. Specifically, the following subject matters are deemed outside the
5 scope of permissible inquiry of Plaintiff during discovery and/or trial:

6 (a) Plaintiff's RICO indictment and subsequent trial

7 (b) Plaintiff's alleged affiliation with the Ontario Black Angels
8 gang

9 (c) Plaintiff's alleged affiliation with the Mexican Mafia

10 (d) Any other potentially illegal activity suspected of Plaintiff or
11 alleged against him.

12 3. Defendant may seek to offer evidence of Plaintiff's communications at
13 the time of the incident. If Plaintiff elects to testify about his communications at
14 the time of the incident, Plaintiff will give Defendant timely pre-trial notice of that
15 intent and an opportunity to depose Plaintiff on that point prior to Plaintiff's
16 testimony. "Timely" means notice sufficient to permit pre-trial discovery.

17 4. If subsequent events, such as the resolution of the criminal appeal, so
18 require, the Parties agree to reconvene on the continued applicability of this
19 protective order, and will advise the Court of such resolution.

20 5. Defendants reserve the right to offer witness testimony regarding
21 Defendants' mental states or beliefs at the time of the March 3, 2006 incident that
22 gave rise to this action. Plaintiff does not waive any objections during such
23 testimony and may assert any such objections during discovery and at trial.
24 Trial objections should, if feasible, be resolved in limine before trial.

25 6. No restrictions imposed by this Protective Order shall be construed as
26 a waiver of Plaintiff's right to object to discovery requests or trial testimony on any
27 grounds, including but not limited to, the Fifth Amendment.

28 7. It is understood by all parties that this agreement does not prevent

